a device that transmits said image data to a computer provided externally to said image reading device;

a recorder that records said image data in a recording medium mounted in said image reading device;

a device that determines, based on a state of said recording medium, whether a recording operation of said image data recording processor is possible; and

a device that controls said transmitting device and said recording device and prohibits said recording operation and allows said image data transmitting device to transmit said image data to said computer when said determining device determines that said recording operation is impossible.

Please enter the following new claims for consideration by the Examiner:

13. A device according to claim 1, wherein said recording medium is readily removable from and reattachable to said housing.

14. The image reading device according to claim 12, wherein said recording medium is readily removable from and reattachable to the image reading device.

15. An image reading device comprising:

a housing;

a reading processor configured to optically read an image recorded on a recording sheet to generate image data representing the image;

~~an image data transmitting~~ processor configured to externally transmit ~~the image~~ data to a peripheral device;

an image data recording processor configured to record the image data in a recording medium that is readily removable from and reattachable to said housing;

a recording operation determination processor configured to determine, based on a condition of the recording medium, whether a recording operation of said image data recording processor is possible; and

a control processor configured to prohibit the recording operation and allow said image data recording processor to transmit the image data to the peripheral device, when said recording operation determination processor determines that the recording operation is ~~impossible.~~---

INTERVIEW SUMMARY

Applicant wishes to thank Examiners Ghee and Coles for the telephonic interview of May 15, 2003, and for the prompt mailing of the PTO-413 Interview Summary. During the interview, Applicant's representative, Attorney William Boshnick, discussed the differences between the applied YAMAGUCHI reference and the present invention, including the claims, specifically independent claims 1 and 12.

It was first briefly noted that the present invention is directed to an image reading device having a processor that determines, based on the state of a recording medium, whether

image recording is possible. If a recording operation is not possible (*e.g.*, if the memory of the recording device is full), then a control processor does not allow the recording onto the recording medium, but rather, the control processor allows the image data be transmitted to a peripheral device. To the contrary, YAMAGUCHI is directed to networked photocopiers configured to prevent photocopying of certain images (*e.g.*, currency, stock certificates, etc.). In order to do so, rather than transmitting the image data, YAMAGUCHI transmits data regarding a copying process at one of the copy machines 4-N, to the service station 90(*e.g.*, information that someone is attempting to copy a copy-prohibited image), but not data representing the actual image.

It was then noted by Attorney Boshnick that the differences between YAMAGUCHI and the present invention is also reflected in the present claims. Specifically, with respect to claims 1 and 12, he noted that YAMAGUCHI lacks the image data transmitting processor that transmits image data externally to a recording device, as claimed in claim 1, and also lacks the means for transmitting (or a device that transmits) the image data to a computer provided externally to the image reading device, as claimed in claim 12. Rather, it was pointed out that YAMAGUCHI does not transmit image data, but transmits data to the service station 90 regarding a copying process at one of the copy machines 4-N, but not data representing the actual image (as described above).

Secondly, after the Examiners agreed that any perceived analogous structure to the

claimed recording medium is the photosensitive drum 24 of YAMAGUCHI, Attorney Boshnick then pointed out that any perceived determination processor of YAMAGUCHI lacks the determination, *based on the state of said recording medium*, whether a recording operation of the recording medium is possible, as claimed in claim 1, and also lacks the means for determining (or a device that determines), *based on a state of said recording medium*, whether a recording operation of said image data recording processor is possible, as claimed in independent claim 12.

Next, Attorney Boshnick noted that any perceived control processor of YAMAGUCHI does not prohibit the recording operation or allow image data to be transmitted to a peripheral device when the determination processor determines that the recording operation is impossible (as claimed in independent claims 1 and 12), but rather slows the copying process (*see, e.g.*, col. 10, lines 29-34) and stamps an image such as "invalid" across the copy (*see, e.g.*, col. 8, lines 60-66) and alerts the service station 90 (*see, e.g.*, col. 6, lines 55-62).

Examiners Coles and Ghee indicated that they understood the difference between the claimed invention and the applied YAMAGUCHI reference, and advised that Applicant note these above differences in Applicant's Response.